

PROPOSED CHANGES TO THE POLICY FOLLOWING CONSULTATION

To subscribe to Disclosure and Banning (DBS) update service

Current policy

DBS check on application and then once every three years

Proposed policy

All drivers must subscribe to the DBS update service which will be checked every 6 months

Rationale

This is a requirement under the new statutory taxi and private hire vehicle standards and there has been no compelling evidence to deviate from this. Subscribing to the update service will also improve efficiency, especially when a full on-line application process has been introduced. There was overwhelming support for this from respondents to the consultation

NR3 Register

Current policy

The NR3 register was only introduced in 2019 and has been adopted as best practice for the North East Region so is not in the current policy

Proposed policy

Any driver who has been refused a licence or has had their licence revoked will be recorded on this register. This register will be checked as part of the application process to assess if an individual is a fit and proper person

Rationale

This is now a requirement under the new statutory taxi and private hire vehicle standards and there has been no compelling evidence to deviate from this. It is not a 'banned' list but serves to alert licensing officers that there may be further information from a different local authority that may need to be taken into consideration before granting a licence. This has been used successfully since May 2019 without any issues being identified.

Disability Awareness Training

Current policy

There is currently no requirement for drivers to have disability awareness training unless they have wheelchair accessible vehicles (WAV)

Proposed policy

When an on-line training system currently being developed is implemented it will be mandatory that all applicants have completed this training before their application is processed. All existing drivers must undertake the training before renewing their licence or within 12 months (whatever is sooner)

Rationale

This will lead to greater awareness of disability issues with improved customer safety and satisfaction. The training package is currently being developed by Tees Valley Licensing Group, of which Darlington is a member, and they have purchased a website domain. Once developed it will be bespoke to specific issues encountered by those with a disability in our area. As owners of the website and developers of the package it will come at little or no cost to the drivers. No representations were made in relation to this during the consultation process. Although there is a requirement for Child Sexual Exploitation (CSE) awareness training, this disability awareness will complement the overall issues of vulnerability highlighted in DEFRA's statutory minimum standards. Responses from Dementia Friendly Darlington will also be taken into consideration during the development of future on-line training packages.

Insurance 'write offs'

Current policy

Vehicles will not be licensed if they have been categorized as a 'write off'

Proposed policy

Non-structural damage (Category N) to be licensed subject to an engineer's report to say it is safe and declared suitable by DBC mechanics

Rationale

Being an insurance write off means that it is not economical to repair. This is based on the length of time a mechanic would need to make good the repair. There may be circumstances where repairs could be made that would be financially viable without compromising safety where no structural damage has occurred. There is widespread support for this in the trade where vehicles could potentially be purchased at a reduced cost.

Age restriction and emissions

Current policy

A vehicle can be licensed if it is under 3 years old and will no longer be licensed after six years unless it is exceptionally well maintained. The exceptionally well maintained element has allowed vehicles to remain on the fleet far longer than was envisioned with older vehicles producing higher and more toxic emissions.

Proposed policy

Vehicles required to be under 4 years old when first licensed and will no longer be licensed at 8 years old. This will be applied from the 1st April 2023 and the exceptionally well maintain element will be removed.

Rationale

Although this policy increases the age of the vehicle from 6 to 8 years, by removing the exceptionally well maintained element and introducing an upper age limit it will ensure that all vehicles (subject to exceptions eg WAV, emission free etc) will comply with the Euro 6 engine standard that have been mandatory for all new cars from September 2015. By increasing the age a vehicle can be licensed by one year will provide proprietors with a greater choice of vehicle at a time of economic uncertainty without compromising on the ultimate aim of reducing the carbon footprint. 75% of respondents agreed with this proposal and comments from those that did not agree only took into account how well the vehicle was maintained, not how high the toxic emissions would be in older vehicles.

On-line application and payments

Current policy

There is nothing in the current policy that specifies payments should be made electronically

Proposed policy

Only payments made electronically will be accepted

Rationale

Methods of payment is a local decision that may be taken independently by Licensing Officers however for transparency it was felt that this decision should be made by the Licensing Committee. As the application for a licence moves on-line for greater efficiency, the end to end process can only be achieved if payments are taken electronically. It will also allow greater scrutiny for money laundering, which may occur when cash transactions are made. Taxi drivers will either be employed by an operator or be registered as an independent business. Both require a bank account so electronic transfers should not be an issue. No representations were made in relation to this during the consultation.

Reduce processing time for applications

Current policy

Applications will be processed within 6 months confirming receipt

Proposed policy

Applications will be processed within 3 months subject to availability of essential documents and Licensing Committee if required.

Rationale

Although the current policy allows for 6 months to process an application the reality is that it is completed much sooner. With the introduction of an on-line application process the only barriers to the rapid completion are availability of essential documents such as DBS. There may also be a time delay where it is felt necessary for the Licensing Committee to make a decision and that next available meeting is beyond the 3 month period. It is felt that these occasions will be rare and 3 months is a realistic time frame, even with the most contentious applicants.

Inward facing CCTV

Current policy

CCTV use inside vehicles is encouraged, subject to certain criterion.

Proposed policy

That CCTV will be installed at the discretion of the driver/owner but if installed must comply with any code of practice issued by the surveillance commissioner

Rationale

The responses from the consultation were overwhelming in support for all vehicles to have inward facing cameras. Whilst there can be no question that they will be of benefit to both passengers and drivers, research is still required on whether this should be made mandatory at this time. The DEFRA statutory minimum standards recommends that CCTV be considered but does not mandate their use. CCTV has Human Rights Act, Protection of Freedoms Act and Data Protection Act issues to take into consideration along with codes of practice. Darlington already have a robust approach to any concerns in relation to safeguarding and it is felt that issue of CCTV should be presented at a later date as a stand alone item for consideration following appropriate research and consultation. The code to the Protection of Freedoms Act says a blanket requirement may be seen as a disproportionate approach and should only be used where there is strong justification. The purchase and installation of cameras come at a cost upwards of £500 and at this time of uncertainty within the trade may create financial hardship for drivers/owners.

Rear window light transmission (Tinted Windows)

Current policy

Rear windows to allow 70% light transmission (front windows already have statutory requirements of 75% and 70%)

Proposed policy

Rear window light transmission be reduced to 30%

Rationale

The argument for having a high rear window light transmission has been in relation to safeguarding, however this was never supported with evidence. This level of light transmission has generally been reduced around the country and vehicles are often manufactured with tints of less than 70%. New vehicle owners are required to change these windows prior to the vehicle being licensed at a considerable cost. By reducing the light transmission to 30% will allow a greater choice of vehicles to be licensed at no extra cost to the owner with no compromise on passenger safety. Indeed, disability groups welcome this proposal as they expressed concerns that wheelchair users feel like they are in a 'goldfish bowl' when light transmission is high. This proposal is largely supported by respondents to the consultation.

Previous convictions

Chart with current policy and proposed policy

Category	Current policy	Proposed
Drink Driving	5	7
Drugs	5	10
Dishonesty	5	7
Violence	5	10
Public Order	3	5
Sexual Offending	Ordinarily refuse	Ordinarily refuse

Rationale

The list shown above shows categories of offences as a list of individual offences would be extremely large. The proposals are in line with guidance from the Institute of Licensing (IoL) published in April 2018 and DEFRA's statutory minimum standards published in July 2019. The reason for these high standards is that taxi drivers have access to sensitive information on individual customers that could be exploited. Previous criminal activities can act as a

predictor of future behaviour and must be taken into consideration when making decisions. This proposal receive widespread support in response to the consultation

Advertising

Current policy

Does not limit specifically limit the size, location or background but must be approved by the Council

Proposed policy

Adverts to be limited in size to the lower half of the rear quarter panel only and the underlying colour of the vehicle must not be changed

Rationale

As advertising is an important method of generating additional income for drivers it is not the intention of trying to stop this practice. It has become apparent however that in recent months advertising has been applied to whole panels of the vehicle by wrapping. For example a whole door or body panel could be wrapped in a black advertisement, which can give the appearance that there has been damage waiting to be re-sprayed. This was never the intention when advertising was made permissible and by specifying a specific area of the vehicle where advertisements may be placed will improve the professional appearance of the fleet. There was general support for this proposal during the consultation with some, who disagreed, who did not think there should be any advertising allowed. Those that currently have advertisements that would not be permitted under the proposed policy would be given a reasonable time to be removed and a date of 1st April 2022 is suggested.

Spare wheels

Current policy

A spare wheel is required

Proposed policy

A spare wheel will not be necessary if the vehicle has an approved pressurised tyre sealant to be used in emergency situations only. This is not to replace a spare wheel if that was a standard part of the vehicle at time of manufacture

Rationale

As vehicles are not fitted with a spare wheel as standard, drivers are required to purchase a wheel before it can be licensed. There is an obvious cost to the driver but additionally space that was originally used to house the spare wheel may not be available. With the introduction of a spare wheel the storage capacity of the vehicle will therefore be reduced. When sealants were first introduced they were used with caution, however technology

advancements in recent years has shown that if used correctly, in an emergency situation only, they will not compromise safety. This proposal would be welcomed by the trade but it must be emphasized that this will only be an emergency repair.